

BIRMINGHAM CITY COUNCIL

**PLANNING COMMITTEE
5 AUGUST 2021**

MINUTES OF A MEETING OF THE PLANNING COMMITTEE HELD ON THURSDAY, 5 AUGUST 2021 AT 1100 HOURS IN THE LYTTLETON THEATRE, BMI, BIRMINGHAM

PRESENT:- Councillor Karen McCarthy in the Chair;

Councillors Mohammed Azim, Diane Donaldson, Peter Griffiths, Mohammed Idrees, Saddak Miah Gareth Moore , Dominic Stanford, Martin Straker Welds, Saima Suleman and Mike Ward, , .

INTRODUCTION

- 7998 The Chair notified the Committee, that this was a quasi-judicial meeting and no decisions had been made in advance of the meeting. She highlighted Members who sat on this Committee were sitting as representatives of the Council as a whole and not Ward Councillors.

NOTICE OF RECORDING

- 7999 The Chair advised, and the Committee noted, that the meeting would be webcast for live or subsequent broadcast via the Council's YouTube channel (www.youtube.com/channel/UCT2kT7ZRPFCXq6_5dnVnYlw) and members of the press/public could record and take photographs except where there were confidential or exempt items.

DECLARATIONS OF INTEREST

- 8000 The Chair reminded Members that they must declare all relevant pecuniary and non-pecuniary interests arising from any business to be discussed at this meeting. If a disclosable pecuniary interest is declared, a Member must not speak or take part in that agenda item. Any declarations will be recorded in the Minutes of the meeting. The Chair noted that Members should also express an interest if they had expressed a view on any of the applications being considered at the meeting and take no part in the consideration of the item.

APOLOGIES

- 8001 Apologies were submitted on behalf of Councillors Bob Beauchamp, Maureen Cornish, Julie Johnson and Kath Scott for their inability to attend the meeting.

CHAIR'S ANNOUNCEMENTS

- 8002 The Chair advised that meetings were scheduled to take place on the 19 August and 2 and 16 September 2021 at the Birmingham Midland Institute and details would be circulated to Members in due course.
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MINUTES

- 8003 The minutes of the meeting of the Committee held on 22 July 2021, having been circulated, were confirmed by the Committee and signed by the Chair
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The business of the meeting and all discussions in relation to individual planning applications including issues raised by objectors and supporters thereof was available for public inspection via the web-stream.

REPORTS OF THE DIRECTOR, INCLUSIVE GROWTH (ACTING)

The following reports were submitted:

(See Document No. 1)

The Chair indicated that there was public speaking in respect of agenda item Nos. 6 and 7.

The Chair started with agenda item No. 7 on the agenda first as the speaker had not arrived yet for agenda item No.6.

PLANNING APPLICATIONS IN RESPECT OF THE SOUTH AREA

REPORT NO. 7 - LAND AT MALCOLM GROVE OFF LEACH GREEN LANE, RUBERY, BIRMINGHAM, B45 9BS – 2021/02704/PA

The Area Planning Manager (South) confirmed that there were no updates.

An objector spoke against the application.

A representative of the applicant spoke in favour of the application.

The Area Planning Manager (South) and the Transportation Manager responded to comments made by the objector and the supporter.

Members commented on the application and the Area Planning Manager (South) and Interim Assistant Director of Planning responded thereto.

Upon being put to a vote it was 7 in favour, 3 against and 0 abstention.

- 8004 **RESOLVED:-**

That planning permission be granted subject to the conditions set out in the report.

The Chair indicated her intention to deal with agenda item No. 6 as the objector was still not in attendance and she noted that the speaker from the applicant no longer had the right to speak.

PLANNING APPLICATIONS IN RESPECT OF THE NORTH WEST AREA

**REPORT NO. 6 - LAND ADJACENT 444 CHESTER ROAD, SUTTON
COLDFIELD, BIRMINGHAM, B73 5BS – 2020/00734/PA**

The Area Planning Manager (North West) confirmed that were updates.

Firstly he wished to amend a couple of conditions. Condition No. 10 should have a minimum clearance height of 4.1m instead of 2.1m. Condition No. 6 be amended to include the provision of white painted brickwork or render to the flank walls of the proposal to improve light reflecting off the flank walls into the existing side windows at the neighbouring properties.

The Area Planning Officer (North West) indicated that 8 additional objections had been received from local residents who have already made representation

- Emergency vehicles (ambulance 2.9m high and fire appliance 3.3m high), vans and caravans would be unable to pass under the access.
- Access width of less than 4.5m would not allow 2-way traffic.
- Inaccurate claim that access is available between 75 and 77 Kirkwood Avenue which is to the rear of the site.
- Water supply and main stop valve is on the application site.
- Inaccurate claim over crime and Anti-Social Behaviour (ASB).
- The proximity of new houses and loss of privacy.
- Maintenance of side elevation, gap of 1.5m would be better.
- Access to gates and garages enjoyed for 28 years would be blocked off as a result of the development.
- Gates to rear gardens would open out onto passing traffic on the new access road.
- Terracing effect.
- Surface treatment and bad state of repair of access.
- There is a standalone dwelling to the rear of 446 with no access from the front an Chester Road

Photos had also been submitted illustrating some of the above issues as well as the internal arrangement of 444 Chester Road adjacent to the application site which showed that the dining room to the rear of the lounge is a separate room. This was incorrectly shown on the submitted plans and in the officers report. Therefore the rear part of the ground floor side window is the only source of natural light and outlook to that room. The Area Planning Officer (North) continued that representation from solicitors on behalf of 17 residents of Chester Road had been received advising interference with 'to right to pass and repass with or without vehicles over and along the accessway'.

Finally a supplementary response from Councillor Rob Pocock had been received, recognising a better standard to the proposal but noting that

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outstanding issues relating to side windows and height clearance for caravans and emergency vehicles still needed to be addressed.

In response to the additional updates the Area Planning Officer (North West) explained that the height to the access under the flat was 4.1m. West Midlands Fire and Rescue Service (WMFS) requires for their fire appliances a width of 3.7m and a height of 4.1 m. The access was of sufficient height to allow an appliance through. Neither Transportation or WMFS had objected. Dwellings were accessible from Chester Road and there are no dwellings to rear. He continued that in relation to the width of the access 4.1m allowed for 2-way traffic and wall to wall under the flat the width was around 4.6m thus allowing for 2-way traffic. Officers had assessed the proposal on the basis that there was not an access from Kirkwood Avenue. The Applicant had provided details of police incident reports which related to the theft of motor vehicles.

The Area Planning Officer (North West) noted that points raised relating to drainage, proximity of the new houses, the loss of privacy, maintenance and terracing effect had all been address in the report.

In relation to the new information relating to the changes to the internal arrangements to 444 Chester Road the Area Planning Officer indicated that this clearly changed the level of harm to neighbour amenity in the planning balance which was discussed in the officer report. What remained was that previous works to 444 had changed the dining room from what would have originally been a rear reception room (as seen at 446) to a centrally located room that was reliant on what was a secondary window to the side overlooking a shared private access as the room's main source of natural light and outlook. The harm to that room and neighbour amenity was much greater than indicated in the officer report. However, officers had looked again at the planning balance and felt that the benefits of the scheme were the same (developing under-utilised land to provide housing, tidy up the site and secure the rear accesses to properties). It was important to note that the impact on No. 444's other living spaces to the rear and front (notwithstanding the centrally located dining room) would not be adversely affected. Officers recognised that there was significant harm to the one room but taking in to account all matters it was finely balanced decision, but benefits would outweigh the identified harm.

In relation to the rights of way over the access at the back of properties in Chester Road and the access between Nos. 444 and 446, the Area Planning Officer (North West) noted that Planning Legislation does not override other people's property rights, including private rights of way. It iss the applicant's responsibility to ensure that they had the right to undertake the work.

Upon being put to a vote it was 10 in favour, 0 against and 0 abstention.

8005

RESOLVED:-

That planning permission be granted subject to the conditions set out in the report and amended below:-

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Condition No. 6 amended to read:

Requires the submission of sample materials

Samples of the materials to be used in the construction of the external surfaces of the extension(s)/building(s)/dwelling(s)/development hereby permitted and to include the provision of white painted brickwork or render to the flank walls of the proposal (to improve light reflecting off the flank wall into the existing side windows) shall be submitted to and approved in writing by the Local Planning Authority prior to their use. The development shall be implemented in accordance with the approved details.

Reason:

In order to secure the satisfactory development of the application site in accordance with Policy PG3 of the Birmingham Development Plan 2017 and the National Planning Policy Framework.

Condition No. 10

The words '2.1m' to be replaced by the words '4.1m'.

PLANNING APPLICATIONS IN RESPECT OF THE EAST AREA

REPORT NO. 8 - LAND AT FORMER BIRMINGHAM DISTRIBUTION CENTRE, LANDOR STREET, BORDESLEY, BIRMINGHAM, B8 1AE – 2021/02130/PA

The Area Planning Manager (East) confirmed that there were no updates.

Upon being put to a vote it was 10 in favour, 0 against and 0 abstention.

8005

RESOLVED:-

That planning permission be granted subject to the conditions set out in the report.

PLANNING APPLICATIONS IN RESPECT OF THE CITY CENTRE AREA

REPORT NO. 9 - ASTON UNIVERSITY, ASTON STREET, BIRMINGHAM, B4 7ET – 2021/01862/PA

The Area Planning Manager (City Centre) confirmed that there were no updates.

Members commented on the application and the Area Planning Manager (City Centre) responded thereto.

Upon being put to a vote it was 10 in favour, 0 against and 0 abstention.

8006 **RESOLVED:-**

That planning permission be granted subject to the conditions set out in the report.

OTHER URGENT BUSINESS

The Chair was of the opinion that the following item could be considered as matter of other urgent business in order to instruct officers to act if necessary:-

Petition - 26 Primrose Croft, Hall Green - Conversion into House of Multiple Occupation

Councillor Moore submitted a petition, on behalf of Councillor Timothy Huxtable, from residents of Hall Green South Ward calling on Birmingham City Council to prevent the conversion of 26 Primrose Croft, Hall Green, B28 0JR into a House of Multiple Occupation.

8007 **RESOLVED:-**

That the petition be referred to the Acting Director of Inclusive Growth for appropriate action.

AUTHORITY TO CHAIR AND OFFICERS

7008 **RESOLVED:-**

That in an urgent situation between meetings the Chair, jointly with the relevant Chief Officer, has authority to act on behalf of the Committee.

The meeting ended 1142 hours.

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CHAIR